



Brussels, 26.2.2015
COM(2015) 75 final

2015/0039 (NLE)

Proposal for a

COUNCIL DECISION

repealing Decision 2011/492/EU concerning the conclusion of consultations with the Republic of Guinea-Bissau under Article 96 of the ACP-EU Partnership Agreement

EXPLANATORY MEMORANDUM

On 31 January 2011 the European Union decided to initiate consultations with the Republic of Guinea-Bissau under Article 96 of the revised Cotonou Agreement¹. This decision was made following the events of 1 April 2010. On that day, on the orders of the Deputy Chief of Staff of the Armed Forces, General Antonio Indjai, a group of mutinous soldiers arrested Chief of Staff José Zamora Induta and the Prime Minister of Guinea-Bissau, Carlos Gomes Junior.

This mutiny and the subsequent appointment of its main instigators to high-ranking posts in the military hierarchy were considered a clear and serious breach of the essential elements referred to in Article 9 of the Cotonou Agreement (specifically, respect for democratic principles) and as a case of special urgency within the meaning of its Article 96 (2)(b) thereof. Consequently, a letter was sent to the Guinea-Bissau authorities on 2 February 2011 inviting them to enter into consultations.

At the first consultation, which took place in Brussels on 29 March 2011, Guinea-Bissau undertook to:

- conduct and conclude judicial investigations and proceedings, that are fully independent and carried out under appropriate logistical and security conditions, relating to the assassinations in March and June 2009;
- effectively implement the security sector reform strategy adopted by the national parliament and the legislative package drawn up with the support of the EU's common security and defence policy (CSDP) mission;
- renew the military hierarchy to ensure the appointment to senior command of persons not involved in unconstitutional or illegal conduct or acts of violence, in conformity with the conclusions and recommendations in the roadmap for security sector reform drawn up by the Economic Community of West African States (Ecowas);
- approve and assist an experts' mission to support security sector reform and the protection of political figures, to be carried out with the support of Ecowas, the Community of Portuguese-Speaking Countries (CPLP) and/or other partners;
- prepare, adopt and effectively implement national operational plans to implement security sector reform and combat drug trafficking;
- improve the administrative and financial management of civilian and military employees, and measures to combat money laundering.

With Council Decision 2011/492/EU of 18 July 2011, the European Union decided to adopt appropriate measures to ensure the honouring of these undertakings, including a schedule of mutual commitments leading to the gradual resumption of EU cooperation.

On 12 April 2012, after the first round of the presidential elections held following the death in January of President Malam Bacai Sanhá, members of the armed forces staged a coup d'état in which the acting President and the Prime Minister were arrested.

In the absence of progress on the implementation of the undertakings laid down in Council Decision 2011/492/EU, the appropriate measures were extended until 19 July 2013 by Council Decision 2012/387/EU of 16 July 2012 and, subsequently, until 19 July 2014 by Council Decision 2013/385/EU of 15 July 2013.

¹ OJ L 287, 4.11.2010, p. 3

Legislative and presidential elections were held on 13 April and 18 May 2014, judged by all international observers, including an EU electoral observation mission, as free and credible. Council Decision 2014/467/EU of 14 July then extended the validity of Decision 2011/492/EU, but suspended the application of the appropriate measures therein to enable the EU to engage with and provide direct support to the democratically elected authorities in their efforts to consolidate democratic institutions, reconcile society, and promote socioeconomic development in Guinea-Bissau.

As part of the six-monthly review of appropriate measures under Article 96 provided for in Council Decision 2011/492/EU, a joint monitoring mission from the European External Action Service and Commission services took place from 13 to 15 January 2015 in order to assess the extent to which the essential elements (democratic principles, rule of law, human rights, good governance) laid down in Article 9 of the Cotonou Agreement were being respected and to measure the progress made by Guinea-Bissau in implementing its undertakings with a view to lifting the Article 96 measures.

On the basis of the findings of the joint monitoring mission and the recommendations of the resident and non-resident EU Heads of Mission to Guinea-Bissau, and taking into account the holding of credible elections, the restoration of the constitutional order, the establishment of an inclusive government committed to implementing the reform necessary for the development and stability of the country, and the encouraging progress made on implementing the Article 96 commitments, it appears politically appropriate to lift the Article 96 appropriate measures laid down in Council Decision 2011/492/EU.

The full resumption of the EU's cooperation with Guinea-Bissau will send a strong political message in support of the newly elected authorities, enabling the EU to fully engage in supporting the country's reform programme and development agenda and contribute to the international community's ongoing efforts to bring about a return to constitutional order and reduce the risk of Guinea-Bissau's democratic institutions being further weakened.

Conclusion

In view of the above, the Council is requested to adopt the attached draft proposal for a Council Decision repealing Decision 2011/492/EU concerning the conclusion of consultations with the Republic of Guinea-Bissau under Article 96 of the Cotonou Agreement.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific (“ACP”) Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000² (the ‘ACP-EU Partnership Agreement’), as amended³, and in particular Article 96 thereof,

Having regard to the internal agreement between the representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EU Partnership Agreement⁴, and in particular Article 3 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 2011/492/EU⁵, consultations with the Republic of Guinea-Bissau under Article 96 of the ACP-EU Partnership Agreement were concluded and appropriate measures, as specified in the Annex to that Decision, were taken.
- (2) Those measures were extended until 19 July 2013 by Council Decision 2012/387/EU⁶ and, subsequently, until 19 July 2014 by Council Decision 2013/385/EU⁷. Council Decision 2014/467/EU⁸ extended the validity of Council Decision 2011/492/EU by one year, until 19 July 2015, but suspended the application of its appropriated measures.
- (3) Peaceful, free and credible legislative and presidential elections were held in Guinea-Bissau on 13 April and 18 May 2014 and constitutional order was restored in the country.
- (4) An inclusive government committed to implement the reforms necessary for the development and stability of the country was established, and encouraging progress on

² OJ L 317, 15.12.2000, p. 3

³ OJ L 287, 4.11.2010, p. 3

⁴ OJ L 317, 15.12.2000, p. 376, as amended in OJ L 247, 9.9.2006, p. 48

⁵ Council Decision 2011/492/EU of 18 July 2011 concerning the conclusion of consultations with the Republic of Guinea-Bissau under Article 96 ACP-EU Partnership Agreement (OJ L 203, 6.8.2011, p. 2)

⁶ Council Decision 2012/387/EU of 16 July 2012 extending the period of application of the appropriate measures in Decision 2011/492/EU (OJ L 187, 17.7.2012, p. 1-2)

⁷ Council Decision 2013/385/EU of 15 July 2013 extending the period of application of the appropriate measures in Decision 2011/492/EU (OJ L 194, 17.7.2013, p. 6)

⁸ Council Decision 2014/467/EU of 14 July 2014 extending the validity of Decision 2011/492/EU and suspending the application of its appropriate measures (OJ L 212, 18.7.2014, p. 12-14)

implementing the Article 96 commitments laid down in Council Decision 2011/492/EU has been made.

- (5) Guinea-Bissau remains fragile and the democratically elected authorities need the support of international partners to pursue the implementations of the country's reform programme and development agenda.
- (6) In order to support, together with other international partners, the ongoing efforts of national authorities to stabilise and consolidate the democratic institutions and promote the socioeconomic development of Guinea-Bissau, Council Decision 2011/492/EU should be repealed,

HAS ADOPTED THIS DECISION:

Article 1

Council Decision 2011/492/EU is repealed.

Article 2

The letter in the Annex to this Decision shall be sent to the authorities of Guinea-Bissau.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council
The President*



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ANNEX 1

ANNEX

to the

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ANNEX

H.E. the President of the Republic of Guinea-Bissau,

H.E. the Prime Minister of the Republic of Guinea-Bissau,

Sirs,

The European Union (EU) is very encouraged by Guinea-Bissau's achievements over the past year. The country turned a corner when it held peaceful and credible general elections in April and May 2014, establishing democratically elected authorities, including an inclusive government that we believe is committed to rebuilding the country, strengthening its democratic institutions and moving towards socio-political stability and economic development.

In view of the restoration of constitutional order and the progress made towards Guinea-Bissau's commitments under Article 96 of the Cotonou Agreement, as well as your undertaking to pursue their implementation by carrying out the necessary reforms and taking appropriate action, it is our pleasure to inform you that the measures which since 2011 have restricted the scope of EU development cooperation with Guinea-Bissau have been repealed. We are therefore fully resuming our cooperation with your country.

Since Guinea-Bissau still faces many political and socio-economic challenges, we would like to encourage you to stay united and continue your efforts to strengthen democratic institutions, genuinely reform the security sector, strengthen the rule of law, combat corruption, impunity and drug trafficking, and promote sustainable development. The EU stands by you and supports all efforts undertaken in this direction.

Indeed, the lifting of the appropriate measures under Article 96 of the Cotonou Agreement enables us to assist you in the organisation of the Round Table on Guinea-Bissau on 25 March 2015 in Brussels and to fully contribute to its success.

Moreover, we will continue the consultation and preparation phase of the 11th European Development Fund with your government with a view to signing as soon as possible the National Indicative Programme that will support you in the implementation of your ambitious reform programme.

Finally, we look forward not only to a full re-engagement with Guinea-Bissau through development, but also to a strengthening of our political dialogue under Article 8 of the Cotonou Agreement.

Yours faithfully,

For the Commission

For the Council

F. MOGHERINI

High Representative

N. MIMICA

Commissioner